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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/523,966	10/06/2005	Shmuel Ben Muvhar	276/04389	3984
44909	7590	05/18/2007		
WOLF, BLOCK, SCHORR & SOLIS-COHEN LLP 250 PARK AVENUE NEW YORK, NY 10177				
			EXAMINER KOTINI, PAVITRA	
			ART UNIT 3731	PAPER NUMBER
			MAIL DATE 05/18/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/523,966	Applicant(s) BEN MUVHAR, SHMUEL	
	Examiner Pavitra Kotini	Art Unit 3731	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 October 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/31/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, monotonic restriction verses progressive restriction must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Bampos et al. (US-6013055).

Bampos discloses an intra-vascular balloon, comprising:

Regarding **claim 1**, a balloon body (202), and at least one springy (made of flexible material; col.6, lines 15-16) and elongate stave (36 or 212) attached to said balloon and conforming to a surface of said balloon (fig. 15), such that said stave is inherently capable of applying contact force to an object in contact with said balloon.

Regarding **claim 2**, said balloon is elongate and wherein said stave is provided along a long dimension of said balloon (fig. 15).

Regarding **claim 3**, a tether (shaft 18 or 152) attached to said balloon.

Regarding **claim 4**, said at least one stave comprise a plurality of staves (212) arranged around said balloon (fig. 15).

Regarding **claim 5**, said plurality of staves are attached to each other at their ends (214 and 216).

Regarding **claims 6 and 7**, said staves modify a geometry of said balloon when not inflated and said staves are configured to compact said balloon in a resting condition thereof (col.10, lines 7-10).

Regarding **claim 8**, said staves are inherently capable of applying radially outwards pressure in a resting condition thereof (36 or 212 are the outer most portions on the balloon so are inherently configured to apply radial outward pressure).

Regarding **claim 9**, said staves are distortable by an expansion of said balloon (36 or 212 are flexible longitudinal structures that conform to an expanded state as shown in fig. 3, verses partially expanded as in fig. 1).

Regarding **claim 10**, said balloon is formed of an elastic material (col.5, line 66-col.6, line 6).

Regarding **claim 11**, said plurality of staves are configured to substantially surround said balloon when said balloon is collapsed (36 or 212 are connected to the balloon and are continue to surround balloon whether in a collapsed, partially expanded, or expanded state).

Claims 12-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Kavteladze et al. (US-5683411).

Kavteladze discloses a vascular implant, comprising:

Regarding **claim 12**, flexible band (16) having a diameter suitable for implantation in a blood vessel (col.5, lines 43-50); and a plurality of elongate axial elements (12) mounted on said band.

Regarding **claim 13**, wherein said flexible band is thin (fig. 4).

Regarding **claim 14**, said flexible band has a thickness suitable for restricting blood flow (fig. 3).

Regarding **claim 15**, said flexible band has a length substantially smaller than a length of said elements (figs. 3 and 4).

Regarding **claim 16**, said flexible band is elastic (col.5, lines 30-33 and line 46).

Claims 17-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Ruiz (US-6120534).

Ruiz discloses a blood flow reducing implant, comprising:

Regarding **claim 17**, a body (10) defining a flow channel (22) having an cross-section which is progressively restricted along an axial direction (fig. 2A, 13), in which the smallest diameter of a cross-section is sized for passage of a guidewire (30; fig. 4B) and blockage of substantially all blood-flow therethrough (col.4, lines 60-67).

Regarding **claim 18**, said cross-section is monotonically restricted along said direction (fig. 2A).

Regarding **claim 19**, said smallest diameter blocks over 95% of blood flow through said implant (constriction can be varied as noted in col.3, lines 44-48; fig. 4B shows maximum constriction).

Regarding **claim 20**, said smallest diameter (13) is restricted by an elastic sheath (fig. 2A, 16).

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pavitra Kotini whose telephone number is 571-272-0624. The examiner can normally be reached on M-F 8:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anhtuan Nguyen can be reached on 571-272-4963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3731

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

P.Kotini
AU 3731


(JACKIE) TAN-UYEN HO
PRIMARY EXAMINER
5/11/07